

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, MARCH 23, 2015 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Emery; Council Members: Camp, Christensen, Eskridge, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier; Absent: Cook.

Council Chair Emery announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

ESKRIDGE Having been appointed to read the minutes of the City Council proceedings of March 16, 2015, reported having done so, found same correct.

Seconded by Fellers and carried by the following vote; AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

**PUBLIC HEARING**

APPLICATION OF JSD, LLC DBA HUSKERVILLE PUB & PIZZA FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 65 FEET BY 45 FEET AT 2805 NW 48<sup>TH</sup> STREET ON MAY 16, 2015 FROM 11:00 A.M. TO 2:00 A.M. - Sandy McCorkindale, Co-Owner of Huskerville Pub & Pizza, 1906 Gunnison Dr., came forward to state that they will be hosting the 3<sup>rd</sup> Annual Benefit for the MDA and will be expanding the beer garden to accommodate the request.

This matter was taken under advisement.

APPLICATION OF ZIPLINE BREWING CO., LLC DBA ZIPLINE BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 36 FEET BY 72 FEET AT 2100 MAGNUM CIRCLE ON APRIL 11, 2015 FROM 1:00 P.M. TO 9:00 P.M.; APPLICATION OF ZIPLINE BREWING CO., LLC DBA ZIPLINE BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 36 FEET BY 72 FEET AT 2100 MAGNUM CIRCLE, SUITE 1 ON MAY 1, 2015 FROM 3:00 P.M. TO 9:00 P.M - Craig Reier, Zipline Brewing, 1740 S. 49<sup>th</sup> St., came forward to share that they are having two upcoming events, a benefit for Shaun McCabe and new food truck kick off event. The space that is being requested will not affect other tenants and will be used by the food vendors for both events.

This matter was taken under advisement.

APPLICATION OF OMAHA EXPOSITION & RACING DBA LINCOLN RACE COURSE FOR A SPECIAL DESIGNATED LICENSE TO COVER OUTDOOR AREAS MEASURING APPROXIMATELY 45 FEET BY 80 FEET AND 17 FEET BY 70 FEET AT 7055 SOUTH 1<sup>ST</sup> STREET ON APRIL 30-MAY 3, 2015 FROM 9:00 A.M. TO 1:00 A.M. - Kristy Harris, Lincoln Race Course, came forward and said that this event will be held during the Kentucky Derby weekend. There will be a band on both Friday and Saturday evenings. This will allow them to set up a tent to provide additional seating.

This matter was taken under advisement.

AMENDING THE FY 14/15 CIP TO AUTHORIZE AND APPROPRIATE \$374,000.00 IN TIF FUNDS FOR THE SWANSON RUSSELL REDEVELOPMENT PROJECT - Dallas McGee, Assistant Director of Urban Development, came forward to state this authorizes the TIF to be amended as part of the CIP project, \$374,000.00 used for public improvements and enhancements that is related to the Swanson Russell Redevelopment project.

This matter was taken under advisement.

AUTHORIZING ACCEPTANCE OF THE LOW BID TO BRYNE & JONES, WHICH IS IN EXCESS OF 25% OVER THE ESTIMATE FOR THE 36<sup>TH</sup> & GLADSTONE PAVING DISTRICT NO. 2631. (3/2/15 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 3/9/15) (3/9/15 - PUBLIC HEARING & ACTION CON'D 1 WEEK TO 3/16/15) (3/16/15 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 3/23/15) - Roger Figard, City Engineer, Public Works & Utilities, came forward to state that after discussing the legalities and process of vacating a right-of-way with City Planning and City Law, Public Works and Planning decided that they are reluctant to do so. This is based on the idea of future growth, redevelopment, and changes that might occur in that area. Mr. Figard also shared that the applicant of the paving district and other property owners are present to discuss this issue.

Council Member Fellers asked if Gladstone east of the corner towards Mr. Ayers property belonged to Mr. Ayers or if it is public right-of-way.

Mr. Figard said that it is a public right-of-way and is platted so it could be developed or paved in the future.

Mike Ayers, Ayers & Ayers, 2436 N. 48<sup>th</sup> St., came forward and provided a presentation in support of the paving district.

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Ron Beeman, 3520 Gladstone, came forward in support.

Terry Pope-Gonzalez, 349 S. 1<sup>st</sup> St., came forward and thanked Mr. Ayers.

Susan Woita, 8700 Pearl Rd., came forward to present pictures of their property and made statements in opposition.

Jim Woita, 8700 Pearl Rd., owner of J & J Diesel Service, came forward in opposition.

Council Chair Emery requested that Roger Figard come and speak, for public knowledge, about the payments regarding the paving district.

Mr. Figard stated that the property owners have 20 years to pay that back. The assessments divided into 20 equal installments and each year one installment needs to be paid and any if there is any interest incurred on the total at that time.

This matter was taken under advisement.

APPROVING AN ADVERTISING AGREEMENT BETWEEN THE CITY OF LINCOLN PARKS AND RECREATION CITY GOLF COURSES AND BENCH CRAFT COMPANY WHICH WILL PROVIDE REVENUE FROM ADVERTISEMENT AT ALL FIVE MUNICIPAL GOLF COURSES AND WILL PROVIDE SCORE CARDS, BENCHES, AND OTHER SUPPLIES AND EQUIPMENT FOR EACH COURSE AT NO COST. (3/16/15 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 3/23/15) - Lynn Johnson, Director of Parks & Recreation, came forward to state this agreement provides Bench Craft the right to sell advertising to be placed on printed materials and equipment that will be placed on Lincoln's 5 municipal golf courses. The initial term for this agreement is for 2 years with an option to extend for an additional 2 year period with Council action. The City will receive \$20,000.00 in compensation annually in addition to the other items with Councils approval. Discussion followed.

This matter was taken under advisement.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA GOLF AND TURF, AND EXCHANGE BANK FOR THE LEASE OF 120 GOLF CARTS AND FIVE UTILITY VEHICLES FOR USE BY THE LINCOLN PARKS AND RECREATION GOLF DIVISION - Lynn Johnson, Director of Parks & Recreation, came forward to state that this a 6 year lease agreement for half of the golf cart fleet. The annual lease payment for each year is \$74,294.40, which will be paid by the proceeds from golf cart rentals. He said that they had an opportunity to take advantage of community pricing program and lease at that rate.

Council Member Eskridge inquired as to how much per year does Parks & Recreation expect from golf cart rentals.

Mr. Johnson said that the entire golf fleet in general generate \$800,000.00 per year that supports the municipal golf courses, since this is half, they are expecting \$400,000.00. Discussion followed.

This matter was taken under advisement.

ANNEXATION 15002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 10.27 ACRES OF PROPERTY GENERALLY LOCATED AT TALLGRASS PARKWAY AND ASTER ROAD. (RELATED ITEMS: 15-42, 15-43);  
CHANGE OF ZONE 05085B - AMENDING THE FALLBROOK PLANNED UNIT DEVELOPMENT BY EXPANDING THE BOUNDARY OF THE PUD BY APPROXIMATELY 10.27 ACRES; APPROVING A CHANGE OF ZONE ON SAID 10.27 ACRES FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT; DESIGNATING SAID 10.27 ACRES AS A PLANNED UNIT DEVELOPMENT DISTRICT; AND APPROVING AN AMENDED DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW A TOWNHOUSE DEVELOPMENT EAST OF TALLGRASS PARKWAY CONSISTING OF 36 DWELLING UNITS, ON PROPERTY GENERALLY LOCATED AT TALLGRASS PARKWAY AND ASTER ROAD. (RELATED ITEMS: 15-42, 15-43) - David Cary, Acting Planning Director, came forward to state that this is the next phase of the Fallbrook development including the annexation and change of zone.

Wanda Maier, 5020 South St., came forward and asked if there was any property tax monies that gets funneled to the developer when it involves the change of zones, annexations, and community development projects.

Mr. Cary said when there is new development, subsequently annexations and changes of zones occur to allow for the new development. In that process there is no direct "funneling" of proceeds of property taxes going to developers. Discussion followed.

This matter was taken under advisement.

\*\* Fellers left Council Chambers at 3:49 p.m. \*\*

\*\* Fellers returned to Council Chambers at 3:52 p.m. \*\*

APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH (IF ANY) BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE STREET CONSTRUCTION FUND FOR THE PUBLIC WORKS & UTILITIES DEPARTMENT - Miki Esposito, Director of Public Works & Utilities, came forward to state that they are asking for approval of the transfer of appropriations within the street construction fund from the Antelope Valley Project to the street & highway operating budget in the amount of \$1.5 Million dollars, and to the streets & bridge rehabilitation

budget in the amount of \$8.5 million dollars. The \$10 million dollars in transportation money is being returned to the City due to Antelope Valley completing under budget. She stated that, at this time, the best use for this money is to advance additional street rehabilitation projects in 15/16 as well as invest in more powerful, efficient, and durable tools, for street maintenance City wide.

Ty Barger, Public Works & Utilities, Maintenance Manager, came forward to share a presentation on the type of equipment that will be needed for street maintenance and rehabilitation. Discussion followed.

Thomas Schafer, Public Works & Utilities, Design/Construction Manager, came forward to state that Public Works will be able to address 10 segments of rehabilitation projects earlier than expected because of these funds. Discussion followed.

Jane Kinsey, 6703 Hawkins Bend, Watchdogs of Lincoln Government, came forward in opposition and inquired about the funds that are due to the Federal Government.

Mr. Figard, stated that there were no funds due to the Federal Government.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

REAPPOINTING TIM FRANCIS, JAMES MCKEE, AND GREG MUNN TO THE HISTORIC PRESERVATION COMMISSION FOR TERMS EXPIRING APRIL 15, 2018 - CLERK read the following resolution, introduced by Jonathan Cook, moved by Trent Fellers:

A-88807 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointments of Tim Francis, James McKee, and Greg Munn to the Historic Preservation Commission for terms expiring April 15, 2018 are hereby approved.

Introduced by Jonathan Cook

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MARCH 9, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY APRIL 6, 2015 AT 3:00 P.M. ON THE APPLICATION OF BREWSKY'S FOOD & SPIRITS HAYMARKET INC. DBA BREWSKY'S FOOD & SPIRITS TO ADD CATERING TO THEIR EXISTING CLASS I LIQUOR LICENSE LOCATED AT 201 N. 8<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-88808 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 6, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Brewsky's Food & Spirits Haymarket Inc. dba Brewsky's Food & Spirits to add Catering to their existing Class I Liquor License located at 201 N. 8<sup>th</sup> Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jonathan Cook

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

SETTING THE HEARING DATE OF MONDAY APRIL 6, 2015 AT 3:00 P.M. ON THE APPLICATION OF FAT FERG'S BBQ BARN LLC DBA FAT FERG'S BBQ BARN FOR A CLASS I LIQUOR LICENSE LOCATED AT 736 W. CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-88809 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 6, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Fat Ferg's BBQ Barn LLC dba Fat Ferg's BBQ Barn for a Class I Liquor License located at 736 W. Cornhusker Highway.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jonathan Cook

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

LIQUOR RESOLUTIONS

APPLICATION OF JSD, LLC DBA HUSKERVILLE PUB & PIZZA FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 65 FEET BY 45 FEET AT 2805 NW 48<sup>TH</sup> STREET ON MAY 16, 2015 FROM 11:00 A.M. TO 2:00 A.M. - CLERK read the following resolution Jon A. Camp, who moved its adoption for approval:

A-88810 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of JSD, LLC dba Huskerville Pub & Pizza for a special designated license to cover an outdoor area measuring approximately 65 feet by 45 feet at 2805 NW 48<sup>th</sup> Street, Lincoln, Nebraska, on May 16, 2015, between the hours of 11:00 a.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

APPLICATION OF ZIPLINE BREWING CO., LLC DBA ZIPLINE BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 36 FEET BY 72 FEET AT 2100 MAGNUM CIRCLE ON APRIL 11, 2015 FROM 1:00 P.M. TO 9:00 P.M. - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88811 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Zipline Brewing Co., LLC dba Zipline Brewing Co. for a special designated license to cover an outdoor area measuring approximately 36 feet by 72 feet at 2100 Magnum Circle, Suite 1, Lincoln, Nebraska, on April 11, 2015, between the hours of 1:00 p.m. and 9:00 p.m., be denied because the applicant has not shown that the granting of this application: (a) will further the public interest; (b) will be a betterment to the City; (c) will constitute a true increase in service to the public; and (d) will not be detrimental to the public health, safety, and welfare.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

APPLICATION OF ZIPLINE BREWING CO., LLC DBA ZIPLINE BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 36 FEET BY 72 FEET AT 2100 MAGNUM CIRCLE, SUITE 1 ON MAY 1, 2015 FROM 3:00 P.M. TO 9:00 P.M. - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88812 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Zipline Brewing Co., LLC dba Zipline Brewing Co. for a special designated license to cover an outdoor area measuring approximately 36 feet by 72 feet at 2100 Magnum Circle, Suite 1, Lincoln, Nebraska, on May 1, 2015, between the hours of 3:00 p.m. and 9:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

APPLICATION OF OMAHA EXPOSITION & RACING DBA LINCOLN RACE COURSE FOR A SPECIAL DESIGNATED LICENSE TO COVER OUTDOOR AREAS MEASURING APPROXIMATELY 45 FEET BY 80 FEET AND 17 FEET BY 70 FEET AT 7055 SOUTH 1<sup>ST</sup> STREET ON APRIL 30-MAY 3, 2015 FROM 9:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88813 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Omaha Exposition & Racing dba Lincoln Race Course for a special designated license to cover outdoor areas measuring approximately 45 feet by 80 feet and 17 feet by 70 feet at 7055 South 1<sup>st</sup> Street, Lincoln, Nebraska, on April 30-May 3, 2015, between the hours of 9:00 a.m. and 1:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

APPLICATION OF PARKER'S RIB RANCH, INC. DBA PARKER'S SMOKEHOUSE TO EXPAND ITS CLASS IK LIQUOR LICENSE TO INCLUDE AN ADDITIONAL LICENSED AREA DESCRIBED AS A ONE STORY IRREGULAR SHAPED BUILDING APPROXIMATELY 110 FEET BY 100 FEET INCLUDING WALK-IN COOLER APPROXIMATELY 8 FEET BY 18 FEET AT 8341 O STREET - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-88814 That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Parker's Rib Ranch, Inc. dba Parker's Smokehouse to expand its Class IK licensed premises to include an additional licensed area described as a one story irregular shaped building approximately 110 feet by 100 feet including walk-in cooler approximately 8 feet by 18 feet, at 8341 O Street, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon A. Camp

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

### PUBLIC HEARING - RESOLUTIONS

AMENDING THE FY 14/15 CIP TO AUTHORIZE AND APPROPRIATE \$374,000.00 IN TIF FUNDS FOR THE SWANSON RUSSELL REDEVELOPMENT PROJECT - CLERK read the following resolution, introduced by Jonathan Cook, moved by Trent Fellers:

A-88815 WHEREAS, Resolution No. A-88504, adopted by the City Council of Lincoln, Nebraska on August 25, 2014, adopted the fiscal year 2014-2015 and 2015-2016 annual budgets for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-88504 as Schedule No. 5; and

WHEREAS, it is necessary to amend the Schedule of Capital Improvement Projects for the fiscal year beginning September 1, 2014 within the Capital Improvement Program (CIP) adopted by and attached to Resolution No. A-88504 as Schedule 5 to establish the Swanson Russell Redevelopment Project (an approved project in the Lincoln Center Redevelopment Plan) to install streetscape improvements in the public rights-of-way, to construct public enhancements to the new office building, and to pay site acquisition costs associated with said Project as a capital improvement project within the adopted Capital Improvement Program; and (2) transferring and establishing appropriations in the amount of \$374,000.00 from TIF funds for said capital improvement project.

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

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WHEREAS, the Lincoln City-Lancaster County Planning Commission has previously reviewed the Swanson Russell Project for conformity or non-conformity with the Comprehensive Plan as a capital improvement project to be funded by TIF as part of its review of the amendment to the Lincoln Center Redevelopment Plan to add the Swanson Russell Project and the Planning Commission found the proposed project to be in conformity with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That the implementation of the Lincoln Center Redevelopment Plan, Swanson Russell Redevelopment Project, to install streetscape improvements in the public rights-of-way, to construct public enhancement to the new office building, and to pay site acquisition costs associated with said Project, is hereby established and added to the Urban Development Department's list of fiscal year 2014-15 capital improvement projects within the Capital Improvement Program adopted by and attached to Resolution No. A-88504 as Schedule 5.

2. That the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$374,000.00 from Tax Increment Financing for this Swanson Russell Redevelopment Project.

Introduced by Jonathan Cook

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

AUTHORIZING ACCEPTANCE OF THE LOW BID TO BRYNE & JONES, WHICH IS IN EXCESS OF 25% OVER THE ESTIMATE FOR THE 36<sup>TH</sup> & GLADSTONE PAVING DISTRICT NO. 2631. (3/2/15 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 3/9/15) (3/9/15 - PUBLIC HEARING & ACTION CON'D 1 WEEK TO 3/16/15) (3/16/15 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 3/23/15) - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88816 WHEREAS, Resolution A-87424 required that bids in excess of twenty-five percent (25%) over the preliminary cost estimate for the improvements be approved by the City Council; and

WHEREAS, the bids for Paving District No. 2631 (36<sup>th</sup> & Gladstone) are in excess of 25% over said estimate.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Public Works Director is hereby authorized to accept the low bid obtained from Bryne & Jones being \$373,092.51 for Paving District No. 2631.

Introduced by Leirion Gaylor Baird

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

APPROVING AN ADVERTISING AGREEMENT BETWEEN THE CITY OF LINCOLN PARKS AND RECREATION CITY GOLF COURSES AND BENCH CRAFT COMPANY WHICH WILL PROVIDE REVENUE FROM ADVERTISEMENT AT ALL FIVE MUNICIPAL GOLF COURSES AND WILL PROVIDE SCORE CARDS, BENCHES, AND OTHER SUPPLIES AND EQUIPMENT FOR EACH COURSE AT NO COST. (3/16/15 - PUBLIC HEARING & ACTION CONT'D 1 WEEK TO 3/23/15) - PRIOR to reading:

GAYLOR BAIRD Moved MTA #1 to Bill No. 15R-50 by substituting the attached substitute Advertising Agreement for the existing Advertising Agreement attached to Bill No. 15R-50.

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

GAYLOR BAIRD Moved MTA #2 to amend Bill No. 15R-50 as follows:

1. On Page 2, paragraph 2(b) of the substitute Advertising Agreement regarding restrictions on advertising, strike the following language "Feminine hygiene products or".

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

CLERK Read the following resolution, introduced by Roy Christensen, who moved its adoption as amended:

A-88817 WHEREAS, the City of Lincoln owns and holds Ager, Highlands, Holmes, Mahoney, and Pioneers Golf Courses and operates each of the five (5) municipal golf courses and clubhouses therein for the benefit of the citizens of the City of Lincoln; and

WHEREAS, Bench Craft Company wishes to acquire the right to display advertisements on score cards, benches, and other supplies and equipment and the City is willing to grant certain advertising rights to Bench Craft Company.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Advertising Agreement between the City of Lincoln, Nebraska, and Bench Craft Company, which is attached hereto marked as Attachment "A" and made a part hereof by reference, under which the City authorizes Bench Craft Company to sell advertising upon the terms and conditions as set

forth in said Agreement is hereby accepted and approved, and the Mayor is authorized to execute said Agreement and any subsequent related amendments and extensions on behalf of the City.

The City Clerk is directed to return one fully executed copy of the Agreement to the Parks & Recreation Department for transmittal to Bench Craft Company.

Introduced by Roy Christensen

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA GOLF AND TURF, AND EXCHANGE BANK FOR THE LEASE OF 120 GOLF CARTS AND FIVE UTILITY VEHICLES FOR USE BY THE LINCOLN PARKS AND RECREATION GOLF DIVISION - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Master Lease Agreement between the City of Lincoln, Nebraska, Nebraska Golf and Turf, Inc., and Exchange Bank for the lease of 120 golf carts and five utility vehicles for use by the City of Lincoln Parks and Recreation Golf Division for a six-year term, the second time.

ANNEXATION 15002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 10.27 ACRES OF PROPERTY GENERALLY LOCATED AT TALLGRASS PARKWAY AND ASTER ROAD. (RELATED ITEMS: 15-42, 15-43) - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 05085B - AMENDING THE FALLBROOK PLANNED UNIT DEVELOPMENT BY EXPANDING THE BOUNDARY OF THE PUD BY APPROXIMATELY 10.27 ACRES; APPROVING A CHANGE OF ZONE ON SAID 10.27 ACRES FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT; DESIGNATING SAID 10.27 ACRES AS A PLANNED UNIT DEVELOPMENT DISTRICT; AND APPROVING AN AMENDED DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW A TOWNHOUSE DEVELOPMENT EAST OF TALLGRASS PARKWAY CONSISTING OF 36 DWELLING UNITS, ON PROPERTY GENERALLY LOCATED AT TALLGRASS PARKWAY AND ASTER ROAD. (RELATED ITEMS: 15-42, 15-43) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH (IF ANY) BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE STREET CONSTRUCTION FUND FOR THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read an ordinance, introduced by Jonathan Cook, to appropriate certain projects within the Fiscal Year 2014-2015 Capital Improvement Program and to eliminate certain appropriations and approve the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Street Construction Fund for the Public Works & Utilities Department, the second time.

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)**

ANNEXATION 15001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 22.5 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 94TH STREET AND ADAMS STREET. (RELATED ITEMS: 15-36, 15-37) (3/2/15 - PUBLIC HEARING DELAYED TO 3/16/15) - CLERK read an ordinance, introduced by Jon A. Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

The ordinance, being numbered **#20172**, is recorded in Ordinance Book 29.

CHANGE OF ZONE 05054B - APPLICATION OF STAROSTKA-LEWIS, TO AMEND THE PRAIRIE VILLAGE NORTH PLANNED UNIT DEVELOPMENT TO EXPAND THE AREA OF THE PUD, BY CHANGING THE ZONING FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD AND FOR APPROVAL OF AMENDMENTS TO THE DEVELOPMENT PLAN TO

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ALLOW FOR AN ADDITIONAL 155 LOTS FOR RESIDENTIAL DWELLING UNITS, ON PROPERTY GENERALLY LOCATED AT NORTH 90TH STREET AND ADAMS STREET. (RELATED ITEMS: 15-36, 15-37) (3/2/15 - PUBLIC HEARING DELAYED TO 3/16/15) - CLERK read an ordinance, introduced by Jon A. Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Cook.

**RESOLUTIONS - 1<sup>ST</sup> READING**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 1-15, 2015.

WAIVING WEED ASSESSMENTS ON A 65 FOOT BY 37.5 FOOT SLIVER OF LAND, GENERALLY LOCATED AT 4625 HIGH STREET.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND MOORE MEDICAL, LLC FOR THE ANNUAL SUPPLY OF MEDICAL, SURGICAL, AND FIRST AID SUPPLIES TO BE USED BY VARIOUS CITY DEPARTMENTS, PURSUANT TO NJPA RFP #080614-MML, FOR A FOUR YEAR TERM EFFECTIVE UPON EXECUTION BY ALL THE PARTIES.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ALAMAR UNIFORMS FOR THE ANNUAL REQUIREMENTS FOR UNIFORM CLOTHING FOR ANIMAL CONTROL OFFICERS, PURSUANT TO QUOTE NO. 5030, FOR A FOUR-YEAR TERM.

COMP. PLAN CONFORMANCE 15001 - APPROVING AN AMENDMENT TO THE VAN DORN REDEVELOPMENT PLAN TO ADD THE "ROBBER'S CAVE PROJECT" TO INCLUDE THE CONSTRUCTION OF AN APPROXIMATELY 9,000 SQUARE FOOT BUILDING AND RESTORATION AND RE-OPENING OF ROBBER'S CAVE ON APPROXIMATELY 1.5 ACRES OF AREA, GENERALLY LOCATED AT 3235 SOUTH 10<sup>TH</sup> STREET.

COMP. PLAN CONFORMANCE 15002 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE "SOUTH HAYMARKET REDEVELOPMENT PROJECT" TO INCREASE THE AVAILABILITY OF ON AND OFF STREET PARKING IN AN AREA GENERALLY LOCATED FROM SOUTH 7<sup>TH</sup> STREET TO SOUTH 9<sup>TH</sup> STREET, N STREET TO J STREET, AND APPROXIMATELY 3.5 ACRES OF LAND LYING SOUTHWEST OF THE INTERSECTION OF SOUTH 7<sup>TH</sup> STREET AND N STREET AND INCLUDING ALL ADJACENT RIGHTS-OF-WAY.

**ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)**

AMENDING TITLE 4 OF THE LINCOLN MUNICIPAL CODE RELATING TO BOARDS AND COMMISSIONS TO CREATE A NEW CHAPTER 4.70 ENTITLED "CITY PERFORMANCE AUDIT COMMITTEE" TO ESTABLISH A PERFORMANCE AUDITING COMMITTEE DIRECTLY ANSWERABLE TO THE CITY COUNCIL, IN ORDER TO DO INDEPENDENT ASSESSMENTS OF THE PERFORMANCE OF CITY GOVERNMENT ORGANIZATIONS, PROGRAMS, ACTIVITIES, AND FUNCTIONS; IN ORDER TO IMPROVE PUBLIC ACCOUNTABILITY; AND TO FACILITATE DECISION MAKING BY PARTIES WITH RESPONSIBILITY TO INITIATE CORRECTIVE ACTION. (3/16/15 - INTRODUCED DELAYED 1 WEEK TO 3/23/15) - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 4 of the Lincoln Municipal Code relating to Boards and Commissions to create a new Chapter 4.70 entitled "City Performance Audit Committee" to establish a performance audit committee directly answerable to the City Council: to do independent assessments of the performance of City government organizations, programs, activities and functions; to provide information to improve public accountability; and to facilitate decision making by parties with responsibility to initiate corrective action, the first time.

AMENDING CHAPTER 2.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY COUNCIL BY AMENDING SECTION 2.04.010 TO REVISE, DELETE AND ADD TO THE RULES OF THE COUNCIL PERTAINING TO THE ORGANIZATION OF THE COUNCIL, THE DUTIES OF THE CHAIR OF THE COUNCIL, AND THE RULES OF COUNCIL DECORUM, DEBATE, AND PROCEDURE, TO SET FORTH AND CLARIFY THE CURRENT PRACTICES OF THE CITY COUNCIL; DELETING SECTION 2.04.020 RELATING TO PUBLIC HEARINGS IN ORDER TO REORGANIZE THE PROVISIONS OF SAID SECTION INTO NEW SECTIONS 2.04.025, MEETINGS, CLOSED SESSIONS, AND NEW SECTION 2.04.040, AUDIBLE DEVICES PROHIBITED; AND



AMENDING SECTION 2.04.030 TO CLARIFY THE NUMBER OF VOTES REQUIRED FOR FINAL ACTION ON A BILL OR MOTION - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 2.04 of the Lincoln Municipal Code relating to the City Council by amending Section 2.04.010 to revise, delete, and add to the Rules of the council pertaining to the Organization of the Council, the Duties of the Chair of the Council, and the Rules of Council Decorum, Debate, and Procedure, to set forth and clarify the current practices of the City Council; deleting Section 2.04.020 relating to Public Hearings in order to reorganize the provisions of said section into new sections 2.04.040, Audible Devices Prohibited, and 2.04.050, Meetings, Closed Sessions; and amending Section 2.04.030 to clarify the number of votes required for final action on a Bill or motion; and repealing Sections 2.04.010 and 2.04.030 of the Lincoln Municipal Code as hitherto existing, the first time.

**OPEN MICROPHONE**

Terry Pope Gonzales, 349 S. 1<sup>st</sup> St., came forward with comments on various issues.  
This matter was taken under advisement.

Jackie Louise, 1700 J. St., came forward with comments about the transportation that is available in her area. She recommended to have Star Tran bus route 50 & 53 staggered more instead of having them arrive at the same time. She stated that the bus transportation should consider the safety and needs of the handicap and elderly individuals.  
This matter was taken under advisement.

**ADJOURNMENT**

**4:46 P.M.**

CAMP            Moved to adjourn the City Council Meeting of March 23, 2015.  
                      Seconded by Fellers and carried by the following vote; AYES: Camp, Christensen, Emery, Eskridge, Fellers; Gaylor Baird; NAYS None; ABSENT: Cook.

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Teresa J. Meier, City Clerk

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Soulinnee Phan, Office Specialist

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